Application No: 10/726,532
Attorney's Docket No: ALC 3102

REMARKS/ARGUMENTS

Claims 1-42 are pending in this application. Claims 1, 16, 21, 25, and 30 are independent. Claims 1-3, 16, 21, 25, 30, 33-35, and 42 are amended. Claims 26 and 27 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. The subject matter previously recited in claims 26 and 27 is incorporated into claim 25.

In section 3 on pages 2-3, the Office Action rejects claims 16-29 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed for at least the following reasons.

Claim 16, from which claims 17-20 depend, claim 21, from which claims 22-24 depend, and claim 25, from which claims 26-29 depend, all recite "a computer-readable medium encoded with instructions," as suggested by the Examiner. For at least the forgoing reasons, Applicant respectfully requests that the rejection of claims 17-22 under 35 U.S.C. § 101 be withdrawn.

In section 4 on pages 4-11, the Office Action rejects claims 1-2, 5-6, 8-9, 11-12, 14-19, 21-23, 25-26, 28, 30-34, and 36-42 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,308,205 to Carcerano et al. (hereinafter "Carcerano"). This rejection is respectfully traversed for at least the following reasons.

Claim 1 recites "a versioning module ensuring that appropriate user parameter set versions are used to populate the command script templates" (emphasis added). Claims 16, 21, and 30 contain similar recitations. Support in the specification for the subject matter added to claims 1, 16, 21, and 30 can be found in, for example, paragraph [49], which discloses the use of a versioning module [160] to ensure that appropriate user parameter set versions are used to

- 14 -

populate the command script templates [122]. As further recited in paragraph [47], multiple versions of the user parameter sets [128] may be stored in the script repository [120] for each script template [122].

Applicant respectfully submits that Carcerano fails to disclose, teach, or suggest this subject matter. While page 8 of the Office Action alleges that Carcerano teaches a user parameter set on lines 49-51 of column 10, Carcerano does not populate command script templates with appropriate user parameter set versions. Accordingly, Carcerano fails to disclose, teach, or suggest "a versioning module ensuring that appropriate user parameter set versions are used to populate the command script templates," as recited in claim 1 and similarly recited in claims 16, 21, and 30.

Applicant respectfully submits that claims 2, 5-6, 8-9, 11-12, and 14-15 are allowable based at least on their dependence from claim 1 for the reasons stated above in connection with claim 1. Applicant respectfully submits that claims 17-19 are allowable based at least on their dependence from claim 16 for the reasons stated above in connection with claim 16. Applicant respectfully submits that claims 22 and 23 are allowable based at least on their dependence from claim 21 for the reasons stated above in connection with claim 21. Applicant respectfully submits that claims 31-34 and 36-42 are allowable based at least on their dependence from claim 30 for the reasons stated above in connection with claim 30.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-2, 5-6, 8-9, 11-12, 14-19, 21-23, 30-34, and 36-42 under 35 U.S.C. § 102(b) be withdrawn.

Claim 25 recites "a user parameter set, wherein the parameterized command script template further comprises an <u>associated version specification</u>, and the user parameter set further comprises an <u>associated version specification</u>," (emphasis added). While page 8 of the Office Action briefly mentions claim 27, in which the subject matter now recited in claim 25 was previously recited, the Office Action never formally rejects the claim. Moreover, Carcerano is silent regarding any association between version specifications, user parameter sets, and command script templates. Therefore, Applicant respectfully submits that Carcerano does not disclose, teach, or suggest the above-quoted subject matter.

Applicant respectfully submits that claim 28 is allowable based at least on its dependence from claim 25 for the reasons stated above in connection with claim 25. Claims 26 and 27 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. For at least the foregoing reasons, it is respectfully requested that the rejection of claims 25, 26, and 28 under 35 U.S.C. § 102(b) be withdrawn.

In section 6 on pages 11-14, the Office Action rejects claims 3, 4, 29, and 35 under 35 U.S.C. 103(a) as allegedly being unpatentable over Carcerano in view of U.S. Patent No. 6,560,604 to Fascenda et al. (hereinafter "Fascenda"). This rejection is respectfully traversed for at least the following reasons.

Applicant respectfully submits that claims 3 and 4 are allowable based at least on their dependence from claim 1 for the reasons stated above in connection with claim 1. Applicant respectfully submits that claim 29 is allowable based at least on its dependence from claim 25 for the reasons stated above in connection with claim 25. Applicant respectfully submits that claim

- 16 -

Application No: 10/726,532
Attorney's Docket No: ALC 3102

35 is allowable based at least on its dependence from claim 30 for the reasons stated above in connection with claim 30. Fascenda fails to overcome the deficiencies in Carcerano described above.
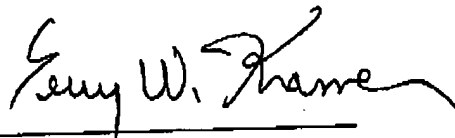
For at least the foregoing reasons, it is respectfully requested that the rejection of claims 3, 4, 29, and 35 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

Terry W. Kramer
Registration No.: 41,541

Date: March 28, 2008

KRAMER & AMADO, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314
Phone: 703-519-9801
Fax: 703-519-9802

- 17 -